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July 1, 1996

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: Ex Parte Meeting
CC Docket No. 96-45


Dear Mr. Caton:

On July 1, 1996, John Podesta, Angela Campbell, Ilene Penn and Amy Monahan, representing a coalition of homeless person and migrant farmworker advocacy organizations, met with Ira Fishman of the Federal Communications Commission to discuss the Institute for Public Representation's ("IPR") position regarding issues in the Federal-State Joint Board Universal Service Proceeding. The attached material was the basis for the presentation and the discussion.

The discussion was consistent with IPR's comments and reply comments on behalf of United States Catholic Conference et al. on file in this proceeding.

In accordance with Section 1.1206(a)(1) of the Commission's rules, two copies of this notice are being submitted to the Secretary of the FCC today. Please include it in the public record of this proceeding.

Respectfully Submitted,


Ilene R. Penn, Esq.

Attachment

cc: Federal-State Joint Board Service List

CH

**Providing Universal Service
for Homeless Persons and Migrant Farm Workers**

CC Docket No. 96-45

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**The United States Catholic Conference
National Coalition for the Homeless
Washington Legal Clinic for the Homeless
American Women's Roundtable
Community Technology Institute
Consumer Action
Fifth Street Connection
Heartland Alliance for Human Needs and Rights
Interstate Migrant Education Council
National Association of Migrant Educators
Marcia Zashin, Educational Consultant to Cleveland Public Schools
and Project Act
Migrant Legal Action Program
Vermont Migrant Education Program**

**Represented by:
Institute for Public Representation
Georgetown University Law Center**

The Telecommunications Act of 1996

- ▶ Incorporates and expands upon commitment of 1934 Telecommunications Act to make available to all Americans an effective nation-wide and world-wide telecommunications network at just, reasonable and affordable rates. 47 USC §151, as amended by 1996 Act, §104.
- ▶ Explicitly guarantees universal service to all regions and all Americans, specifically including "low-income consumers and those in rural, insular and high cost areas." 1996 Act, §254(b); Conference Report at 131.
 - ▶ The Act contemplates the many obstacles to telecommunications services facing low-income consumers and targets those groups directly in order to provide access to all Americans. 1996 Act, §254(b); Conference Report at 131. Homeless persons are among the lowest-income groups, therefore, the Act's guarantee applies to them as well.
 - ▶ Migrant farm workers are not only low-income but often live in remote areas. In targeting both low-income consumers and those in rural, insular and high cost areas, the Act implicitly contemplates groups such as migrant farm workers. 1996 Act, §254(b); Conference Report at 131.
- ▶ The Act's guarantee of universal service extends to "the *people* of the United States," not solely to their homes. 47 USC §151, as amended by 1996 Act, §104 (Emphasis added).
 - ▶ Providing access to telecommunications services directly to individuals rather than to homes is "necessary and appropriate for the protection of the public interest, convenience, and necessity and is consistent with language of the Act and the intent of Congress." 1996 Act, §254(b)(7).

Universal Service

- ▶ The Commission's definition of core services inaccurately presumes that providing basic telecommunications services to all homes allows for access for all Americans. Universal service must go beyond residential phone service to include access to telecommunications for all Americans, including those without homes.
- ▶ In addition to those core services proposed by the Commission, the following services should be added:
 - ▶ Voice mail services for homeless persons and migrant farm workers in lieu of residential phone service where such service is inadequate or impossible.
 - ▶ Subsidized initiation and usage rates for non-profit service providers serving homeless persons and migrant farm workers.
 - ▶ Subsidized toll free numbers to non-profit service providers serving homeless persons and migrant farm workers.
 - ▶ Increased number and availability of urban and rural emergency and public pay phones.
 - ▶ Continued support for Lifeline programs and expansion of LinkUp programs to allow for more than one service initiation per year.
- ▶ In addition to providing these services, carriers must make the public aware that these programs exist and how to access them.

Voice Mail Services for Homeless Persons and Migrant Farm Workers Should Receive Universal Service Support

Acting on Universal Services Principles

- ▶ Voice mail service for homeless persons and migrant farm workers represents an equivalent or reasonably comparable service to residential phone service. Homeless persons and migrant farm workers, as low-income consumers, are guaranteed "telecommunications and information services...that are reasonably comparable to those services provided in urban areas" at reasonably comparable rates. 1996 Act, §254(b)(3).

Meeting Universal Service Criteria

- ▶ Voice mail ensures that these groups can communicate with prospective employers, family, and social service, health care and other providers, which is "essential to the education, public health [and] public safety" of these constituencies. 1996 Act, §254(c)(1)(A).
- ▶ Voice mail for homeless persons and migrant farm workers serves as a substitute for residential phone service which is clearly "subscribed to by a substantial majority." 1996 Act, §254(c)(1)(B). Voice mail itself is also widely subscribed to by residential customers and demand is only growing.
- ▶ Voice mail is widely "deployed in the public telecommunications network" and growing rapidly. 1996 Act, §254(c)(1)(C).
- ▶ By providing homeless persons and migrant farm workers with the ability to receive and retrieve messages from schools, social service agencies, medical facilities and family, voice mail would allow these groups greater self sufficiency and participation in society, clearly serving "the public interest, convenience and necessity." 1996 Act, §254(c)(1)(D).

**Subsidized Phone Initiation and Usage and Subsidized Toll Free
Numbers for Non-Profit Organizations Serving Homeless Persons
and Migrant Farm Workers
Should Receive Universal Service Support**

Acting on Universal Service Principles

- ▶ Subsidizing non-profit organizations serving homeless persons and migrant farm workers provides those low-income groups access to quality service at "just, reasonable and affordable" rates. 1996 Act, §254(b)(1).
- ▶ Subsidizing telephone initiation and usage through non-profit organizations serving persons without homes provides those low-income consumers access to service comparable to that available through residential service in urban areas by enabling service organizations to offer increased phone lines and services to their clientele. 1996 Act, §254(b)(3).

Meeting Universal Service Principles

- ▶ Extending subsidies to these organizations improves the ability of homeless persons and migrant farm workers to communicate with prospective employers, family, and social service, health care and other providers, which is "essential to the education, public health [and] public safety" of these constituencies. 1996 Act, §254(c)(1)(A).
- ▶ Similar subsidies for initiations and usage exist for residential customers in the form of Link-Up and Lifeline services. Extending these subsidies to non-profit service organizations provides a substitute for basic residential service for those without homes. Basic phone service is initiated by and subscribed to by a substantial majority of residential customers and is widely deployed in the telecommunications network. Toll free 800 numbers are also widely subscribed to by residential customers and deployed in the telecommunications network. 1996 Act, §254(c)(1)(B)-(C).
- ▶ Providing universal service support for subsidizing non-profit organizations serving consumers without residences is consistent with "the

public interest, convenience and necessity" in the same way similar
subsidy programs for residential customers serve these interests. 1996
Act, §254(c)(1)(D).

Access to Telecommunication and Information Services Will Increase Educational Opportunities for Homeless and Migrant Farmworker Children

- ▶ **Lack of Access to Telecommunication and Information Services Results in Significant Barriers to Obtaining Educational Opportunities**
 - ▶ Lack of telephone and permanent address makes enrolling homeless children in school difficult.
 - ▶ Language barriers impede migrant farmworker childrens' ability to complete their education.
 - ▶ Schools have limited ability to contact the parents of both homeless and migrant farmworker children to inform them of medical emergencies, attendance or disciplinary problems or to discuss a child's progress.
 - ▶ Fifty-seven (57) percent of all homeless school-age children do not regularly attend school.
 - ▶ Median educational level for the head of migrant household is fifth grade.
 - ▶ Over half of the nation's homeless youth sixteen years old or older have dropped out of school or have been suspended or expelled.
 - ▶ Migrant farmworker children have the highest dropout rate of any group in the country-- only 55% of migrant children graduate from high school.
- ▶ **Access to Telecommunication and Information Services In and Out of School Has Alleviated Many Educational Access Barriers**
 - ▶ Cleveland's Project Act uses voice mail and messaging services to register homeless children for school.
 - ▶ Migrant Instructional Network for Telecommunications Project provides live interactive instructional broadcasts for migrant students, teachers, and parents.

- ▶ **Project SMART enables migrant farmworker children to interact with teachers through a special telephone line during televised educational programming.**

Some Commenters Have Argued...

That It Is the Responsibility of the States to Ensure Full Penetration of Universal Service

BUT...

- ▶ The Act sets forth as a guiding principle the federal government's commitment to universal service. It states that it is the policy of the United States "to make available, so far as possible, to all the people of the United States, without...discrimination a rapid, efficient, nationwide, and world wide...communication service." 47 USC §151 as amended by the 1996 Act, §104. The Act further states that the federal commitment to universal service extends to "low-income consumers." 1996 Act, §254(b)(3).
- ▶ The Act provides that the Joint-Board and the Commission, not the states or the state commissions, are responsible for defining and updating universal service definitions "in order to ensure that *all Americans* share in the benefits of new telecommunication technologies." Senate Report at 27.
- ▶ The states' role is in implementing the *intrastate* universal service policies within the national definitions set by the Joint-Board and the Commission.

That Services such as Voice Mail Are Not Telecommunications Services but Information Services and Are Beyond the Scope of Universal Service

BUT...

- ▶ The Act specifically provides that "consumers...including low-income consumers...should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services." 1996 Act, §254(b)(3).
- ▶ The Act calls for the definition of universal service to "tak[e] into account advances in telecommunications and information technologies and services." 1996 Act, §254(c)(1). The Joint-Board and the Commission should not be precluded from allowing new technologies to fill in where traditional technologies fail, simply because of their newness.

Some Commenters Have Argued...(continued)

That Services that are meaningful to Homeless Persons and Migrant Farm Workers Are Not Subscribed to by a Substantial Majority of Residential Consumers

BUT...

- ▶ The Act contemplates that in order to fulfill the commitment to provide access to telecommunications for all Americans, certain groups require individualized consideration when defining and providing for access to universal service. Senate Report at 52. By specifically addressing the needs of persons with disabilities and low-income consumers, Congress guaranteed that the Act "leaves no one behind." 142 Cong. Rec. H1145-06, H1176.
- ▶ Homeless persons and migrant farm workers face obstacles to telecommunications access similar to those faced by speech and hearing impaired persons in that traditional telecommunications technologies are inadequate. Like persons with disabilities, this lack of telephone access imposes tremendous "economic and social costs" on homeless persons and migrant farm workers. H.R. Rep. No. 674, 100th Cong., 2d Sess. 7 (1988); S. Rep. No. 116, 101st Cong., 1st Sess. 77-78 (1989). These constituencies need access to services that meet their individual circumstances.

That Universal Service Guarantees Should Apply Not Only to Residential Customers But Also to Small Businesses

BUT...

- ▶ While Commenters have no opinion on the extension of subsidies to small businesses, the Act certainly contemplates the extension of universal service support to non-profit service organizations who are vulnerable to the high costs and other financial and access impediments to providing telecommunications and information services.
- ▶ Subsidizing non-profit organizations to target homeless persons and migrant farm workers furthers Congress' intent and the purpose of the Act to provide universal service to individual consumers without expanding the class of customers contemplated by the Act by subsidizing larger, for-profit businesses.